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LETTER DATED 2 JANUARY FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon the instruction of my Government, I have the honour to transmit, enclosed herewith, the comments of the Federal Republic of Yugoslavia on the report of the Secretary-General prepared pursuant to resolutions 1160 (1998), 1199 (1998) and 1203 (1998) of the Security Council (S/1998/1221) (see annex).

I should be very grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

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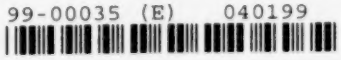

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Annex

Comments of the Federal Republic of Yugoslavia on the report of the Secretary-General prepared pursuant to resolutions 1160 (1998), 1199 (1998) and 1203 (1998) of the Security Council

The Federal Republic of Yugoslavia welcomes the endeavour of the Secretary-General of the United Nations to present an objective picture of the situation in Kosovo and Metohija, the Autonomous Province of the Yugoslav constituent Republic of Serbia, in his report of 24 December 1998 (S/1998/1221), prepared pursuant to resolutions 1160 (1998), 1199 (1998) and 1203 (1998) of the Security Council and the fact that the report brings forth the data the Federal Republic of Yugoslavia provided on the activities of the terrorists of the so-called Kosovo Liberation Army (KLA). It considers it particularly important that the improvement of the humanitarian situation, as well as unhindered access of humanitarian agencies throughout the province, have been noted in the report. These developments have been borne out also in the report of Sadako Ogata, United Nations High Commissioner for Refugees, which says that an immediate humanitarian catastrophe has been averted and cites the statement of Slobodan Milosevic, President of the Federal Republic of Yugoslavia, to the effect that the supply of basic provisions to Kosovo and Metohija is disrupted by KLA terrorists. Equally important is the statement that the activities of Kosovo Albanian paramilitary units (their practice of laying mines and engaging in sporadic clashes with the Serbian police) constitute evident danger for humanitarian workers.

The positive results in the humanitarian field in the report concern, however, only the return of ethnic Albanian civilians to their villages. No mention is made of the fact that Serbian civilians not only have not returned to their villages, which prior to the recent troubles were of mixed ethnic composition, but that tremendous pressure is being brought to bear on them by the so-called KLA not to return at all which, after all, is the ultimate goal of this terrorist organization. Today, no Serb lives in any of the 87 villages in which Serbs did live until 1997. This is ethnic cleansing par excellence. This is not the case with any of the villages in which Albanians live, including Malisevo. These data confirm that the main goal of terrorists is not only the killing and intimidation of individual Serbs, but also their expulsion from the areas in which they live as a minority and the expansion of "ethnically pure" Albanian areas. The recent events near Podujevo, where the victims of Albanian terrorists were the last 25 Serbian families remaining in a few villages of previously mixed ethnic composition, are telling proof of this goal. The fact that the number of Serbian families that have left the villages is, in absolute numbers, smaller than the number of Albanian families confirms that the ethnic cleansing of Serbs from Kosovo and Metohija is a process which has gone on for years. Other non-Albanian populations are also expelled from Kosovo and Metohija under the threat of arms, which is evinced by the recent killing of the Romanies in Kosovska Mitrovica.

The Federal Republic of Yugoslavia is deeply convinced that the only solution to the problems in Kosovo and Metohija is the creation of conditions in

which all national communities would enjoy equal rights. Involvement of the international community and its practical steps should be aimed towards this goal so as to prevent Albanian secessionists from creating an independent, ethnically pure Kosovo and Metohija.

Notwithstanding the fact that all relevant Security Council resolutions condemn terrorism in unmistakable terms, it is mystifying that the report continues to speak only about "violence", "armed groups" and "Kosovo Albanian paramilitary units", all the more so since it transpires from the report that the terrorists are the main stumbling block to the solution of problems in Kosovo and Metohija. Calling the terrorists "paramilitary units" serves to uphold the erroneous contention that an armed conflict is at issue in Kosovo and Metohija and that two belligerent parties are involved. The terrorists calling themselves "the Kosovo Liberation Army" have not been, nor can they be, a military or political factor, i.e. any "party" to any "conflict", since international law has accorded no terrorists any status whatsoever of a party, while States affected by terrorism have legitimately used all available means to combat this universal scourge. Equating State authorities, protecting the security of all citizens and the integrity of constitutional institutions, with terrorists serves to encourage separatism and secessionism in Kosovo and Metohija. The Federal Republic of Yugoslavia therefore expects that all United Nations Member States will strictly abide by the provisions of Security Council resolution 1160 (1998) and that they will cut off all forms of assistance, especially financial assistance, to terrorists and their recruitment, training, arming and infiltration in Kosovo and Metohija.

Accusations about alleged excessive use of force by the State authorities of the Federal Republic of Yugoslavia and its constituent Republic of Serbia are unsubstantiated. Even though it is evident that the terrorists are responsible for the escalation of bloodshed to urban communities, no reference to that fact is made in the report. Besides, the crimes committed by terrorists (the killing of a group of Serbian teenagers in Pec and the Deputy Mayor of Kosovo Polje) are equated with the legitimate actions of the State authorities (the interception and liquidation of 34 fully armed terrorists while they made an illegal attempt to cross the Yugoslav-Albanian border).

The Federal Republic of Yugoslavia considers that the international community should endeavour, first and foremost, to encourage the achievement of an agreement that would put an end to the fighting, ensure equality to all citizens, guarantee human rights and fundamental freedoms, grant amnesty and solve other problems, which would bring about peace to all citizens of Kosovo and Metohija.

The Federal Republic of Yugoslavia has demonstrated its commitment to the solution of problems in Kosovo and Metohija through political means by calling for an immediate and unconditional resumption of dialogue on many occasions. Conversely, the representatives of Albanian political parties continue to stubbornly obstruct, in defiance of all relevant Security Council resolutions, all efforts to bring back the dialogue. It is therefore not appropriate to apportion equal blame for the impasse in the political dialogue to the representatives of the Federal Republic of Yugoslavia and the representatives of

Albanian political parties. The blame of the latter should not be downgraded, let alone covered up.

The Federal Republic of Yugoslavia continues to implement the agreement reached between its president, Slobodan Milosevic, and United States Special Envoy Richard Holbrooke and the agreement between the Federal Republic of Yugoslavia and the Organization for Security and Cooperation in Europe (OSCE). This is also true with regard to the level of security force deployment in Kosovo and Metohija, so all contentions to the contrary are groundless. As to the assessment in the report that the Federal Republic of Yugoslavia is in breach of its obligations to adopt an amnesty law (which in any case is being prepared), it should be borne in mind that amnesty is a concluding act of all political agreements and that insistence on amnesty before a political agreement has been reached is tantamount to condoning the terrorists who continue their terrorist activities, killing State officials and civilians alike, taking them hostage and providing no information about their whereabouts.

The Federal Republic of Yugoslavia is also ready to cooperate fully with the team of Finnish forensic investigators so that the responsibility for the killing of civilians can be established anywhere in Kosovo and Metohija. The problem regarding the arrival of the team in the village of Gornje Obrinje singled out in the report has not been created by lack of cooperation by the Yugoslav authorities or because of any restriction on their free professional engagement, but because the members of the so-called KLA told international officials that they would not tolerate even a passive presence of the police at the investigation. The Finnish forensic experts announced that they would return after the Christmas and New Year's holidays.

As to the security of Kosovo Verification Mission (KVM) members and international officials in general, it should be noted that the Federal Republic of Yugoslavia complies consistently with its obligations and expects that OSCE will do the same. The slow deployment of KVM members is not attributable to any action of the Federal Republic of Yugoslavia. There are no obstacles to cooperation with the Mission, and the Federal Republic of Yugoslavia is very much interested in its success, which presupposes its full objectivity.

To base his future reports on the situation in Kosovo and Metohija almost entirely on the information provided by OSCE is inadequate, considering that the Secretary-General has broader obligations. To limit them only to humanitarian aspects alone, notwithstanding their great importance, would not achieve the desired goals. Bearing in mind that the recent visit of Stefano de Mistura provided the Secretary-General with direct access regarding the developments in Kosovo and Metohija, the Federal Republic of Yugoslavia considers that such practice should be continued.

The Federal Republic of Yugoslavia is of the opinion that the aide-mémoire attached to the letter of Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, addressed to the Secretary-General on 28 December 1998 (S/1998/1231, annex II), should be taken into account when the report of the Secretary-General is discussed in the Security Council so as to achieve an objective and comprehensive insight regarding the situation in Kosovo and Metohija.